

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
OCTOBER 27, 2015 – 6:00 P.M.
NEW CITY HALL
COUNCIL CHAMBERS/AUDITORIUM

Fred L. Fitch, Mayor
Presiding

Also Present:
Jerry Ihler, City Manager
Frank V. Jensen, City Attorney
Traci Hushbeck, City Clerk

Mayor Fitch called the meeting to order at 6:03 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Dr. Joe Williams, Sr., True Love Apostolic Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT:

Bob Morford, Ward One
Keith Jackson, Ward Two
Rosemary Bellino-Hall, Ward Three
Jay Burk, Ward Four
Dwight Tanner, Jr., Ward Five
Cherry Phillips, Ward Six
V. Gay McGahee, Ward Seven
Doug Wells, Ward Eight

ABSENT:

None

PRESENTATION OF A PROCLAMATION FROM THE NEXT STEP PROGRAM
DECLARING HOMELESS YOUTH AWARENESS MONTH

Mayor Fitch stated a tree ribbon ceremony will be held on November 5th at 4:00 p.m. at Ft. Sill Boulevard and Gore. He proclaimed the month of November 2015 as National Homeless Youth Awareness Month in Lawton.

PRESENTATION OF OUTSTANDING CITIZEN OF COMANCHE COUNTY TO VIRGINIA
(JENNY) BREEDEN.

Mayor Fitch presented a Certificate of Commendation from the Mayor's Office to Jenny Breeden.

Member of the Mayor's Commission on the Status of Women presented a proclamation and gift to Mayor Fitch in recognition of his receiving the Mayor of the Year Award from the Oklahoma Municipal League.

AUDIENCE PARTICIPATION:

Carol Gardner, 2306 NW 72nd Street, stated she is in attendance as the Chairman of the Arts and Humanities Council. She invited council members to attend their Native American program on Sunday, November 1st at 2:00 p.m. at Cameron University Theater.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF SEPTEMBER 22, 2015.

MOVED by Jackson SECOND by Wells to approve the minutes of September 22, 2015. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

CONSENT AGENDA

Wells requested they table items #3 and #10 to November 10, 2015.

MOVED by Burk, SECOND by McGahee to table items #3 and #10 to November 10, 2015 meeting. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

MOVED by Wells, SECOND by Morford to approve the consent agenda with the exception of items #3 and #10. AYE: Morford, Jackson, Bellino-Hall, Burk, Tanner, Phillips, McGahee, Wells. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval: Richard and Brenda Williams, dba Brenric, Inc. in the reduced amount of \$12,335.79 (**Res. 15-82**), Julio Encarnacion in the amount of \$709.47 (**Res. 15-83**) and Helen Lebaud in the amount of \$117.37. Exhibits: Legal Opinion/Recommendation, Resolution No. 15-__ and Resolution No. 15-__.
2. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in making payment on the judgment in the Workers' Compensation case of Jimmy Thompson in the Workers' Compensation Court of Existing Claims, Case No. 2014-00590Y. Exhibits: **Resolution 15-84**.
3. Consider authorizing the City Manager to hire twelve (12) additional Firefighters and establish a Fire Academy start date in February of 2016 for the purpose of providing the needed training for said personnel in anticipation of the need to staff the new SW Fire Station (Fire Station #8) and authorize the funding of said positions from the 2015 Sales Tax Extension. Exhibits: None. **TABLED TO 11/10/15**
4. Consider approving a request by the Museum of the Great Plains to install a monument sign on City of Lawton property along Ferris Avenue in front of the museum building. Exhibits: Monument sign specifications and Site plan.

5. Consider approving contract with Theatreworks USA for two performances of “Seussical” on Thursday and Friday, February 4 and 5, 2016. Exhibits: Contract on file in City Clerk’s office.
6. Consider approving Amendment No. 2 to the Chevron Energy Services Contract between the City of Lawton and Chevron Energy Solutions, and authorize the Mayor and City Clerk to execute. Exhibits: Chevron Energy Solutions Performance Contract and Amendment No. 2 with Scope of Work (available for review in the City Clerk’s Office)
7. Consider accepting the waterline, sanitary sewer line, and drainage improvements, easements, an escrow agreement for minor incomplete improvements, and an escrow agreement in lieu of a maintenance bond to serve the Carmike Cinemas located at 2803 NW 67th Street. Exhibits: Location Map. Easements and Escrow Agreements are on file in the City Clerk’s office.
8. Consider approving an agreement with Dewberry for professional engineering services associated with the design of Public Safety Building and authorizing the Mayor and City Clerk to enter into a contract for these design services. Exhibits: A copy of the agreement is on file in the City Clerk’s office.
9. Consider approving plans and specifications for the construction of the Landfill Equipment Maintenance Building Project No. 2008-06 and authorizing staff to advertise for bids. Exhibits: Plans and Specifications are on file at the City Engineers Office.
10. Consider approving plans and specifications for the for Fire Station #8 on Bishop Rd Project #2013-11 and authorizing staff to advertise for bids. Exhibits: Plans and specifications are on file in the Engineering Department office. **TABLED TO 11/10/15**
11. Consider approving plans and specifications for the McMahon Memorial Auditorium Chiller and Boiler Replacement Phase 1 Project #2015-02 and authorizing staff to advertise for bids. Exhibits: Plans and specifications are on file in the Engineering Department office.
12. Consider approving Change Order #1 and adjustment of quantities for existing bid items for the Bicycle & Pedestrian Facilities Phase II, Routes 1, 2, 3 & 4, COL Project 2010-7, ODOT Project STP-116E(184)EH, J/P 26901(04) with T&G Construction, Inc. Exhibits: A copy of the change order is on file in the Engineering office.
13. Consider awarding a construction contract to Southwest Water Works LLC for the SE 45th Street Water and Sewer Line Relocation Project #2015-08. Exhibits: None.
14. Consider accepting a permanent easement from Commissioners of the Land Office, for right of way needed for the SW 52nd Street Project# 2012-4, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location maps. Document is on file in the City Clerk's office.

15. Consider accepting a warranty deed from Pablo P. & Melanie A. Sanchez, husband & wife, for right of way needed for the SW 52nd Street Project# 2012-4, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Document is on file in the City Clerk's office.
16. Consider accepting a permanent easement from Joseph A. & Cynthia L. Zuspann, husband & wife, for right of way needed for the 2nd Street Improvement Project Phase 1 (Columbia to Ferris) Project# 2014-03, authorizing the Mayor and City Clerk to execute the document and authorizing payment for the same. Exhibits: Location maps. Document is on file in the City Clerk's office.
17. Consider extending contract (RFPCL15-012) Collection of Overdue Utility Bills to Glass Mountain Capital of Schaumburg, IL for an additional year. Exhibits: Department Recommendation, Contract Extension Form, Price Sheet.
18. Consider approving appointments to boards and commissions. Exhibits: None.
19. Consider approval of payroll for the period of October 12-25, 2015.

NEW BUSINESS ITEMS:

20. Consider forming a committee per Council Policy No. 1-6, City Council Rules of Procedure, for the purpose of discussing and evaluating the need for particular changes to the Lawton City Charter, and submitting the committee's recommendations to the City Council for action. Exhibits: None.

Phillips stated she feels they need to have a routine schedule on how often the charter is reviewed.

Burk stated there were changes made in 2012 by a vote of the people. He questioned if there was a certain portion of the charter they wanted to look at.

Tanner stated he initiated this item because he has some specific changes he wants to make and he was told that other council members may also want to make some changes. He would like to form a council committee to review these sections. He stated he wants the council to think about the investment in Lawton. Citizens live in Lawton and we don't select our representatives to represent us from Oklahoma City, Norman, or Wichita Falls. We select them from among us because we live here in Lawton. We are invested in the community. The charter change he is proposing will use the same formula. There are currently two positions in the charter where they can mandate employees to reside in the corporate city limits of Lawton. Those positions are the City Manager and the City Attorney. He is proposing that they make a change to the city charter and put it to a vote of the people that every top level administrator be invested in Lawton by living in Lawton and being a registered voter in Lawton. This is the specific change he is proposing to the charter.

Morford stated that it is approximately nine months from the primary election to the general and he feels it is way too long.

Tanner stated he would like to form this council committee and he would like to be a member of this committee.

Phillips stated she would also like to be a member.

Wells stated he would also like to be a member.

MOVED by Tanner, SECOND by Wells to form a committee to include Tanner, Phillips and Wells to review proposed charter changes.

Mayor Fitch stated he would like the City Attorney to discuss this period of time between the primary and general election. There have been some changes at the state level.

Jensen stated we are not in favor of that length of time but we don't have a choice because we do not run our own elections. Our charter says that we have certain rules on elections but with everything else we adopt the state election rules and they have changed the rules twice in the past few years and it is driving us crazy. The stated tells us, by statute, when we are supposed to have our general election cycles for both general election and a run off and what the filing period has to be. The last time we changed the charter to say that we have to be more flexible because we can't change our charter every time state law changes. We are at their mercy. With the most recent change we are going to have a different cycle in an even versus odd numbered years.

Phillips stated she is a product of this inconsistency. She filed for this office in April and she did not get seated until March of the following year.

Mayor Fitch stated that cycle is over with and now they are seated in January.

Burk stated the first time he ran it was in December and it was sleeting and snowing and people could not get to the polls. When they made the changes in 2012 they came up with a committee of citizens because truly the decisions on what needs to be changed in the charter does not come from the council, it comes from the citizens. They put citizens on the committee that were long time Lawtonians and some that were newer because they felt like they were removing people from the process. He isn't saying that having a council committee is a bad thing, he feels they did a wonderful job in 2012 and he doesn't want to take away something that has always been a citizens committee and turning it into an everyday council committee.

Jackson stated his primary was in June and he will not be sworn in until January and he feels the process is too long.

Jensen stated staff has struggled with this and staff has researched this and with this year's changes it has gotten worse.

Jackson questioned if they need an official opinion from the Attorney General on this issue. He does not believe that intention was to have city council elections last nine months.

Wells stated he was never asked for any input from that citizens committee. He stated they are elected to represent their wards and the people and if they come up with a committee and suggestions that they don't like then they won't vote for them.

McGahee stated she would also like to serve on the committee.

Mayor Fitch stated staff gets a little nervous if we get four council members on a committee because we are getting close to a quorum. He stated if the council is not going to include a selection of people from within the citizenship of Lawton and you are going to have the council involved in this with a council recommendation to the voters, because you have to have public hearings whether you have a committee of three or you have a committee of eight, he would recommend that the entire council have special meetings to discuss the changes.

Tanner stated according to the city charter the policy making is in the hands of the council and the Mayor is to chair the meeting, not be the policy maker.

Mayor Fitch stated he is making a recommendation that involves citizen input.

Tanner stated the Mayor is trying to set policy.

Mayor Fitch stated he is not setting policy, there is no policy in this issue. He would like to see the council, in its entirety, involved in this in a regular council meeting and have the citizens have input and all council members are abreast of everything that is taking place in the entire process and then the council can decide what to recommend to the voters.

Tanner requested that the City Attorney inform the council the process of how they can form a committee to change the charter.

Jackson questioned if Councilmember Tanner just opposed the entire council meeting on this issue. Everyone would have an opportunity for input about the election process.

Tanner stated we are governed by a set of rules and that the Mayor is not a policy maker. He has made a motion and he has a second and the council is allowed to form a council committee. He is wondering why the Mayor is coming up with alternatives, to him that is setting policy.

Mayor Fitch stated the charter does not designate how the charter committee will be put together. In the past it has been done with a lot of input from citizens and he feels they should have citizen participation today.

SUBSTITUTE MOTION by Jackson, SECOND by Morford to allow the entire council to be a part of this committee and include the citizenry of Lawton to be a part of this committee. AYE: Morford, Jackson, Bellino-Hall, Burk, Phillips, Wells. NAY: Tanner, McGahee. MOTION CARRIED.

Jensen stated these meetings will be in open session and the council can ask for audience participation and citizen input.

Jackson stated that is the way the system is supposed to work.

Tanner stated he has already voiced at the beginning of this agenda item what his intent is to do.

FINANCE REPORT

Jerry Ihler, City Manager, presented revenue and expenditure highlights for the period ending September 30, 2015. (On file in the City Clerk's office).

Jackson questioned if they could agenda an item regarding the lot out on Rogers Lane about the 1900 block on Ozmun and either sell the lot or distribute to the neighboring residents.

Burk stated it is state property but we are required to mow it. He stated our contractor did not know he was supposed to mow it but now he will.

Ihler stated our agreement with ODOT for them paying for 80% of the construction was that we were responsible for the maintenance for everything outside of the driving surface.

Jackson questioned if they would let us get rid of it. It is unusable to us but it might be usable to the neighborhood.

Ihler stated we could ask them.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

McGahee stated she was part of the walk against domestic violence with the Mayor's Commission on the Status of Women and she was glad they had the chance to bring awareness to the plight of individuals who are victims of domestic violence, it is a huge epidemic.

Phillips stated she attended the open house at the Animal Welfare division and she was impressed with the facility and the staff. She also attended the open house for the Armed Services YMCA. They have done a nice job in redoing that building and they will be providing a lot of help to the city and the military.

Tanner stated he also attended the open house for the animal shelter. He stated regarding conduct of meetings, when the council is having a discussion, they should avoid comments which tend to embarrass other persons.

Burk stated the bulk clean up was held on Friday and Saturday and he had his crews there to pick up items. They put the information out and four people took advantage of the service to come to their home and pick up items. He feels that they have done a good job in helping people get a lot of the junk out of their front yards and helping to clean up the city. He would like to look at the option of not picking up construction debris.

Wells stated Councilmember Burk and Councilmember Bellino-Hall have been big supporters of beautifying Lawton and Councilmember Burk uses his own private equipment to provide the

support for the citizens and the crew of his employees were very friendly people. He was one of the four citizens who requested a pick up and he thanked Burk and his company for their support.

Tanner stated we could solve this problem if they allowed citizens two bulk trash pickups a year at the time of their choice. We would be able to weed out those who are doing construction work at rental property and setting it out during the bulk pick up times.

Ihler stated staff is looking at how we might be able to do that. They still want to limit this to bulk materials. If a citizen calls and wants us to pick up construction debris they should pay for it.

Jackson stated he was born in Lawton and he believes that Lawton is a great place to live and this council and city staff work hard to make it a better place to live.

Morford stated the Museum of the Great Plains will be back in action the second week of November and there will be three grand openings that week.

Ihler reminded everyone there will be a special council meeting on Wednesday and the hotel/motel tax election is next Tuesday.

The Mayor and Council convened in executive session at 7:07 p.m. and reconvened in regular, open session at 8:56 p.m. Roll call reflected all members present.

EXECUTIVE SESSION ITEMS:

21. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending investigation of matters involving the Housing /Community Development Division, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #21. No action was taken.

22. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending claim by Anthony Properties concerning the land purchased near NW 67th Street and Rogers Lane for development, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #22. No action was taken.

23. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2015-2016 between the Police Union, IUPA Local 24, and the City of Lawton, and, if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item #23. No action was taken.

24. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY

2015-2016 between the International Association of Fire Fighters (IAFF), Local 1882, and the City of Lawton, and, if necessary, take appropriate action in open session.
Exhibits: None.

Jensen read the title of item #24. No action was taken.

There being no further business to consider, the meeting adjourned at 8:58 p.m. upon motion, second and roll call vote.

FRED L. FITCH, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK